

### **Remarks**

Claims 1-28 are pending in the application, and stand rejected.

#### **Claim rejections**

Claims 1-13, 17, 21 and 25-28 were rejected under 35 USC 103(a) as being unpatentable over Tayloe et al. ("Tayloe") (US 6,192,240 B1) in view of Smolik (US 6,119,005). The Applicant respectfully traverses. The cited references do not support the asserted rejection for at least the reason that they do not disclose or suggest "data comprising a plurality of predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress" as recited in independent claims 1, 21, 25, 26 and 28.

The Examiner recognizes that the noted feature is absent from Tayloe, and points to Smolik at col. 1, lines 32-67 to col. 2, lines 1-28 as disclosing the feature. The Applicant respectfully disagrees. The cited portions make no mention of "data comprising a plurality of predetermined prediction points indicating a fixed structure ...," etc. Instead, the cited portions relate to a "handoff neighbor list." The neighbor list identifies candidate base stations for handing off a call to when signal quality degrades below a predetermined threshold. Smolik generally relates to maintaining a neighbor list on an ongoing basis based on signal strength data from various mobile units in the call coverage area of a given base station. More specifically, Smolik relates to generating "pilot channel metrics" based on a number of times that a mobile unit identifies a given channel as having a signal strength exceeding a predetermined threshold. See, e.g., claim 1. Far from providing fixed prediction points as in the present invention as claimed, Smolik's arrangement is a "continuous data collection process" (col. 2, line 33) designed to reflect changes in the radio environment.

Accordingly, claims 1, 21, 25, 26 and 28 are allowable over Tayloe and Smolik. The dependent claims are similarly allowable for at least the reason that they include the recitations of one of the independent claims by dependency

thereon. Withdrawal of the rejection of claims 1-13, 17, 21 and 25-28 as being unpatentable over Tayloe in view of Smolik is therefore respectfully requested.

Claims 10-16, 18-20 and 22-24 were rejected under 35 USC 103(a) as being unpatentable over Tayloe in view of Smolik, and further in view of Amin et al. (US 5,995,830) ("Amin"). These claims depend on one of independent claims 1 and 21, and therefore by dependency include the feature "data comprising a plurality of predetermined prediction points indicating a fixed structure ...," etc., discussed above. Amin does not disclose or suggest this feature, and therefore claims 10-16, 18-20 and 22-24 are allowable over Tayloe, Smolik and Amin for at least the reasons discussed in connection with claims 1 and 21. Withdrawal of the rejection of claims 10-16, 18-20 and 22-24 as being unpatentable over Tayloe, Smolik and Amin is therefore respectfully requested.

Claims 4 and 5 were rejected under 35 USC 103(a) as being unpatentable over Tayloe in view of Smolik and further in view of Bartle et al. (US 6,018,655) ("Bartle"). Along lines discussed above, since they depend on claim 1, claims 4 and 5 are allowable over Tayloe and Smolik for at least the reasons discussed in connection with claim 1. Bartle does not remedy the deficiencies in Tayloe and Smolik, and consequently claims 4 and 5 are allowable over the combination of Tayloe, Smolik and Bartle. Withdrawal of the rejection of claims 4 and 5 as being unpatentable over Tayloe, Smolik and Bartle is therefore respectfully requested.

Claims 6-9 were rejected under 35 USC 103(a) as being unpatentable over Tayloe in view of Smolik, and further in view of Bartle, and further in view of Elwin (US 6,317,596). Claims 6-9 depend on claim 1 and are therefore allowable for at least that reason over Tayloe, Smolik and Bartle. Elwin does not cure deficiencies in the latter and therefore claims 6-9 are further allowable over Elwin. Withdrawal of the rejection of claims 6-9 as being unpatentable over Tayloe, Smolik, Bartle and Elwin is therefore respectfully requested.

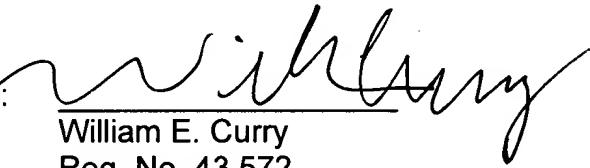
Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: Aug. 30, 2005

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